

REMARKS

The Examiner has rejected claims 1-8 and 16-19 under 35 USC §112 as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention. The Examiner has indicated that the specifical basis “for means for receiving” was not found. The claim recites “customer interface having means for receiving an order from a customer.” Applicant respectfully requests reconsideration of this rejection on the grounds that the specification states on page 6, lines 12-14 that “A keyboard control 98 can be inputted to the processor 18 to facilitate the entry of a desired recipe program for generating a batch of dough and the time of delivery.” Page 7, lines 17-21 of the specification states “As a further convenience, distal input such as that as indicated by telephone 126 or a home computer could be hooked into the processor 18 and keyboard 98 such that the customer can order the baked food product from his or her home and automatic billing can be incorporated into the control unit 18 for this mode.” Applicant has disclosed a keypad as well as connection to a remote computer. Accordingly, Applicant respectfully requests withdrawal of this rejection. The Examiner has objected to claims 3 and 17 because both claim the features.

Claim 17 has been canceled and claim 3 has been rewritten to more clearly set forth Applicant’s invention.

The Examiner has rejected claims 1-8 and 6-19 under 35 USC 103. In making the rejection the Examiner has stated that it would be obvious to those of ordinary skill in the art to utilize an automated communications device in the automated process of producing bread . . .” Additionally, the Examiner stated that as to “the placement of the variously claimed means within the housing, it is considered that a building is broadly a housing and therefore

this limitation is anticipated.” Applicant has amended claim 1 to require “one machine having a housing”. Support for this limitation is found on page 7, lines 21-24 and Fig. 3. Applicant respectfully submits that a building does not anticipate “one machine having a housing” having the elements. Nor does the technology of the prior art for large scale baking operations anticipate or obviate Applicant’s invention. Applicant’s invention is the combination of steps which provide a method using a single machine which can be placed in remote locations such as buildings to produce baked products on demand from a customer. The customer is able to input an order directly into the machine either on site or remotely and to obtain from the machine fresh baked product on demand as specified when inputting the order. It is respectfully submitted that the prior art references either singly or in combination do not disclose Applicant’s method as claimed. Moreover, there is no suggestion to combine the references in the way Applicant has claimed in order to arrive at Applicant’s invention. The Examiner is using hindsight reconstruction in an attempt to obviate Applicant’s invention. Accordingly, Applicant respectfully requests reconsideration of the rejection under 35 USC 103 and allowance of the claims.

If the Examiner has any further questions, Applicant’s attorney may be reached at (248) 647-6000.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned “Version with Markings to Show Changes Made.”

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 1 has been amended as follows:

- 1 1. (Three Times Amended) An automated process for producing a range
2 of grain based baked food products from a supply of raw materials comprising:

3 providing [a] one machine having a housing containing a plurality of storage
4 devices having raw ingredients, a dough making apparatus and a baking station, said
5 machine also having an electric process control unit, and an electronic customer
6 interface, said customer interface having means for receiving an order from a
7 customer, said order including a quantity and a type of food product, said machine
8 also having customer delivery stations;

9 connecting said customer interface electronically with said control unit;
10 storing a plurality of recipes for producing a plurality of baked food products
11 in said process control unit;

12 receiving an order from a customer with said customer interface;
13 directing said dough making apparatus with said process control unit to feed
14 said raw ingredients from said plurality of storage devices into said dough making
15 apparatus to mix the ingredients according to said order;

16 controlling said dough making apparatus with said process control unit to
17 sequentially deliver said mixture of ingredients to a baking station for a predetermined
18 time to produce a finished product; and

19 delivering said finished product to said customer at said delivery station.

Claim 3 has been amended as follows:

1 3. (Amended) The process of claim 1, after said providing step further
2 comprising the step of:

3 [entering an] receiving a customer order [with a remote computer] through
4 said customer interface from a remote computer.

Claim 17 has been canceled.